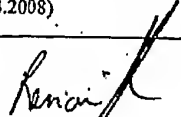# PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 990545WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US04/28061	International filing date *(day/month/year)* 27 August 2004 (27.08.2004)	Priority date *(day/month/year)* .11 September 2003 (11.09.2003)	

International Patent Classification (IPC) or national classification and IPC

IPC: **H04B 7/00(2006.01);G06F 15/16(2006.01)**
USPC: .370/230,310;709/217

Applicant

QUALCOMM INCORPORATED2

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1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of **5** sheets, including this cover sheet.

   ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of ___ sheets.

3. This report contains indications relating to the following items:

   I ☒ Basis of the report

   II ☐ Priority

   III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability

   IV ☐ Lack of unity of invention

   V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   VI ☐ Certain documents cited

   VII ☐ Certain defects in the international application

   VIII ☐ Certain observations on the international application

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Date of submission of the demand 23 February 2005 (23.02.2005)	Date of completion of this report 18 March 2008 (18.03.2008)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450. Facsimile No. (571) 273-3201	Authorized officer Venkatesh Haliyur Telephone No. 571-272-8616

Form PCT/IPEA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT	International application No. PCT/US04/28061

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed.

☒ the description:
pages 1-9_____ as originally filed
pages NONE_____, filed with the demand
pages NONE_____, filed with the letter of _____

☒ the claims:
pages 10-13_____, as originally filed
pages NONE_____, as amended (together with any statement) under Article 19
pages NONE_____, filed with the demand
pages NONE_____, filed with the letter of _____

☒ the drawings:
pages 1/2-2/2_____, as originally filed
pages NONE_____, filed with the demand
pages NONE_____, filed with the letter of _____

☐ the sequence listing part of the description:
pages NONE_____, as originally filed
pages NONE_____, filed with the demand
pages NONE_____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*
** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims NONE	YES
	Claims 1-29	NO
Inventive Step (IS)	Claims NONE	YES
	Claims 1-29	NO
Industrial Applicability (IA)	Claims 1-29	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS
Please See Continuation Sheet

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

1. Claims 1-29 lacks novelty under PCT Article 33(2) as being anticipated by Brown et al (US Pub: 2003/0112931).

2. Regarding claim 1, Brown et al (US Pub: 2003/0112931) disclosed a computer device (system 100 of Fig 1) having wireless communication capability and selectively receiving an attempted communication connection across a wireless network (para 0021), the wireless device classifying attempted communication connections and performing a predetermined response to a communication connection attempt based upon the classification of the attempted communication connection (para 0020,0029).

Regarding claims 2,12, Brown et al disclosed wherein the predetermined response is to block the incoming communication connection attempt (para 0023).

Regarding claims 3,13, Brown et al disclosed wherein the predetermined response includes an audio response to the incoming communication connection attempt (para 0024-0025,0043).

Regarding claims 4-5,14-15, Brown et al disclosed wherein the predetermined response is to request user input as to whether to accept the incoming communication and wherein the predetermined response is to return a data response to the incoming communication attempt(para 0026).

Regarding claims 6-7,16-17, Brown et al disclosed wherein the classification of the incoming communication attempt occurs from identifying the telephone number of a calling telephone making incoming communication attempt to the device and wherein the classification (categories of call) occurs through the receipt of Caller ID for the incoming communication attempt (para 0025,0027,0031)

Regarding claims 8-9,18-19, Brown et al disclosed wherein the classification occurs through the receipt of identity data within the incoming communication attempt and the predetermined response is to send an SMS message to the device making the incoming communication attempt (para 0025,0047).

Regarding claim 10, Brown et al disclosed A computer device (system 100 of Fig 1), comprising: means for wireless communication selectively receiving an attempted communication connection across a wireless network; means for classifying attempted communication communications (para 0021,0029); and means for performing a predetermined response to a communication connection attempt based upon the classification of the attempted communication connection (para 0020, para 0034-0036).

Form PCT/IPEA/409 (Continuation Sheet) (July 1998)

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

Regarding claim 11, Brown et al disclosed A method of responding to incoming communication connection attempts at a computer device having wireless communication capability, comprising the steps of: receiving an attempted communication connection across a wireless network (para 0021), classifying the attempted communication connection (para 0020, 0034-0036); and performing a predetermined response to the attempted communication connection based upon the classification (para 0029).

Regarding claim 20, Brown et al disclosed A method of responding to an incoming communication connection attempts at a computer device having wireless communication capability (Fig 1), comprising the steps of: a step for classifying the attempted communication connection (para 0034-0036); and a step for performing a predetermined response to the attempted communication connection based upon the classification (para 0037-0038).

Regarding claim 21, Brown et al disclosed A computer program that, when executed by a computer device (para 0018, Fig 1) having wireless communication capability, causes the device to perform the steps of: receiving an attempted communication connection from another device across a wireless network (para 0020,0034-0036); classifying the attempted communication connection (para 0021); and performing a predetermined response to the attempted communication connection based upon the classification (para 0029,0037-0038).

Regarding claim 22, Brown et al disclosed wherein the program causes the step of performing a predetermined response to be blocking the incoming communication connection attempt (para 0023).

Regarding claim 23, Brown et al disclosed wherein the program causes the step of performing a predetermined response to be generating an audio response to the incoming communication connection attempt (para 0024-0025,0043).

Regarding claims 24-25, Brown et al disclosed wherein the program causes the step of performing a predetermined response to be requesting user input as to whether to accept the incoming communication and wherein the program causes the step of performing a predetermined response to be returning a data response to the incoming communication attempt (para 0026).

Regarding claims 26-27, Brown et al disclosed wherein the program causes the step of classifying the attempted communication connection to be classifying the attempted communication connection through identifying the telephone number of a calling telephone making incoming communication attempt to the device (para 0031) and wherein the program causes the step of classifying the attempted communication connection to occur through the receipt of Caller ID from the attempted communication connection (para 0026).

Regarding claims 28-29, Brown et al disclosed wherein the program causes the step of classification to occur through the receipt of identity data within the incoming communication attempt and wherein the program causes the step of performing a predetermined response to be sending an SMS message to the device making the incoming communication attempt (para 0025,0047).

3. Claims 1-29 meets the criteria set out in PCT Article 33(4), and thus Automatic Handling of Incoming Communications at a Wireless Device has industrial applicability because the subject matter claimed can be made or used in industry.

--------------------- NEW CITATIONS ---------------------